

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

DIANE S. PARTON, )  
v. Plaintiff, ) Case No. 1:10-CV-202  
MICHAEL J. ASTRUE, ) Chief Judge Curtis L. Collier  
Commissioner of Social Security, )  
Defendant. )

**JUDGMENT ORDER**

Plaintiff Diane S. Parton (“Plaintiff”) brought this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of the final decision of the Commissioner of Social Security (“Commissioner” or “Defendant”) denying Plaintiff disability insurance benefits (“DIB”). The Court referred the matter to United States Magistrate Judge Susan K. Lee pursuant to 28 U.S.C. § 636(b)(1), and both parties filed motions for summary judgment (Court File Nos. 14, 18). Plaintiff moved this Court for the award of benefits, or in the alternative, a remand to the Commissioner (Court File No. 14).

In accordance with Rule 72(b) of the Federal Rules of Civil Procedure, the magistrate judge filed a report and recommendation (“R&R”) recommending Plaintiff’s motion for judgment on the pleading be denied; Defendant’s motion for summary judgment be granted; the decision of the Commissioner be affirmed, and this action be dismissed with prejudice (Court File No. 20). Neither party filed a timely objection to the R&R.

After reviewing the record, this Court agrees with the R&R. The Court hereby **ACCEPTS** and **ADOPTS** the magistrate judge's findings of fact, conclusions of law, and recommendations pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) (Court File No. 20).

Accordingly, the Court **ORDERS**:

- (1) Plaintiff's motion for judgment on the pleadings (Court File No. 14) is **DENIED**.
- (2) Defendant's motion for summary judgment (Court File No. 18) is **GRANTED**.
- (3) The Commissioner's decision denying benefits is **AFFIRMED** and this action is **DISMISSED WITH PREJUDICE**.

**SO ORDERED.**

**ENTER:**

/s/  
**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**